

- (f) merging the first variable data bitmap with a copy of the static bitmap to produce a first output bitmap;
- (g) generating a next variable data bitmap of a next one of the variable data items utilizing a graphics state associated with the variable data area; and
- (h) merging the next variable data bitmap with a copy of the static bitmap to produce a first output bitmap; and
- (i) repeating steps (g)-(h) for remaining variable data items in the plurality of variable data items.

## REMARKS

### I. Introduction

Claims 1-14 are pending in this application. Claims 1, 12, and 13 stand rejected under the second paragraph of 35 U.S.C. § 112 for allegedly containing a lack of antecedent basis. Additionally, claims 1-14 stand rejected under the judicially created doctrine of double patenting over Applicant's prior U.S. Patent Nos. 5,729,665, 5,937,153, and 6,381,028.

Claims 1, 12, and 13 have been amended to correct a grammatical error. All other claims remain in their original form.

### II. Rejections of Claims 1, 12, and 13 under 35 U.S.C. § 112, Second Paragraph

Claims 1, 12, and 13 stand rejected under the second paragraph of 35 U.S.C. § 112 for allegedly containing a lack of antecedent basis. Specifically, the Office action contends that the limitation "each of which contain the static bitmap and a variable data bitmap" lacks a clear antecedent basis. In each of these claims, this limitation appears in the following context at the conclusion of the claim<sup>1</sup>:

... whereby the saved static bitmap is used repeatedly in the generation of a plurality of documents, each of which contains the static bitmap and a variable data bitmap.

---

<sup>1</sup> As noted above, claims 1, 12, and 13 have been amended to correct a grammatical error, changing the word "contain" to contains." The language quoted here is taken from the claims as amended.



Applicant submits that this language is clear and unambiguous. The word "each" refers to the closest antecedent, which is "documents." As noted by grammar guru Bryan Garner, "when a word refers to an antecedent, the true antecedent should generally be the closest possible one." Bryan A. Garner, A Dictionary of Modern American Usage, p.431 (1998). Accordingly, the limitation "each of which contains the static bitmap and a variable data bitmap" refers to the documents.

**III. Double Patenting Rejection of Claims 1-14**

Claims 1-14 stand rejected under the judicially created doctrine of double patenting with respect to U.S. Patent Nos. 5,729,665, 5,937,153, and 6,381,028, from which this application claims priority. A terminal disclaimer with respect to U.S. Patent No. 5,729,665, from which this application and all the aforementioned U.S. Patents draw priority, is included herewith along with the requisite fee. This terminal disclaimer overcomes the rejections under the judicially created double patenting doctrine. Accordingly, these claims are now in condition for allowance, and withdrawal of the rejections of record is respectfully requested.

**IV. Conclusion**

In light of the foregoing Remarks and the terminal disclaimer submitted herewith, it is respectfully submitted that all pending claims are in condition for allowance. Reconsideration and withdrawal of the rejections of record is respectfully requested.

If the Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number provided below.

Respectfully submitted,



David A. Mancino  
Reg. No. 39,289

Taft, Stettinius & Hollister LLP  
425 Walnut Street; Suite 1800  
Cincinnati, Ohio 45202-3957  
mancino@taftlaw.com  
(513) 357-9331